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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/758,948 | 01/11/2001 | Danan Dou | DP-300744 | 9639 |

7590 10/29/2004
Vincent A. Cichosz
DELPHI TECHNOLOGIES, INC.
1450 West Long Lake
Troy, MI 48007

EXAMINER

LISH, PETER J

ART UNIT PAPER NUMBER

1754

DATE MAILED: 10/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/758,948

Applicant(s)

DOU ET AL.

Examiner

Peter J Lish

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-16 and 39-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-16, and 39-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 8/6/04 have been fully considered but they are not persuasive. Applicant argues with respect to the rejection over Yamada et al. that the reference does not disclose an alkali metal barrier (e.g. ceria) between the NO_x adsorber and the substrate because the ceria particles are coated with a NO_x adsorber. However, it is seen in figure 1 that the catalyst system comprises an outer layer (3) that comprises a NO_x adsorber and an inner layer (2) that comprises an alkali barrier material, such as ceria. No difference is seen between the system of Yamada et al. and that of the claimed invention. Applicant is reminded that the claims do not exclude additional materials from being present in either layer.

Applicant argues with respect to the rejection over Hanaki et al. that the reference does not disclose an alkali metal barrier between the NO_x adsorber and the substrate. However, it is seen in figure 1 that the catalyst system comprises an outer layer (12a) that comprises a NO_x adsorber and an inner layer (12b) that comprises an alkali barrier material. No difference is seen between the system of Yamada et al. and that of the claimed invention. Applicant is reminded that the claims do not exclude additional materials from being present in either layer.

Applicant argues with respect to the rejection over JP 09-057099 that the reference does not disclose an alkali metal barrier between the NO_x adsorber and the substrate. However, it is disclosed that the middle layer acts as an alkali metal barrier to prevent diffusion of the metal from the upper catalyst layer. No difference is seen between the system of JP 09-057099 and that of the claimed invention. Applicant is reminded that the claims do not exclude additional materials from being present in either layer.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claims 1-6, 15, and 39-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamada et al. (US 6,221,804).

The rejection of the previous office action is maintained in its entirety and incorporated herein by reference.

Claims 1-6, 15, and 39-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Hanaki et al. (US 6,514,905).

The rejection of the previous office action is maintained in its entirety and incorporated herein by reference.

Claims 1-7, 15, and 39-41 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 09-057099.

The rejection of the previous office action is maintained in its entirety and incorporated herein by reference.

Claim 7 and 14 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Yamada et al. (US 6,221,804) as applied above.

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The rejection of the previous office action is maintained in its entirety and incorporated herein by reference.

Claim 7 and 14 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hanaki et al. (US 6,514,905) as applied above.

The rejection of the previous office action is maintained in its entirety and incorporated herein by reference.

Claims 13-14 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over JP 09-057099 as applied above.

The rejection of the previous office action is maintained in its entirety and incorporated herein by reference.

Claim Rejections - 35 USC § 103

Claims 8-11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. (US 6,221,804) as applied above.

The rejection of the previous office action is maintained in its entirety and incorporated herein by reference.

Claims 8-11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanaki et al. (US 6,514,905) as applied above.

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The rejection of the previous office action is maintained in its entirety and incorporated herein by reference.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. as applied to claim 1 above, and further in view of EP 778072 A2.

The rejection of the previous office action is maintained in its entirety and incorporated herein by reference.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hanaki et al. as applied to claim 1 above, and further in view of EP 778072 A2.

The rejection of the previous office action is maintained in its entirety and incorporated herein by reference.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J Lish whose telephone number is 571-272-1354. The examiner can normally be reached on 9:00-6:00 Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



PL

STUART L. HENDRICKSON
PRIMARY EXAMINER